UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,454	01/17/2002	William V. Da Palma	BOC9-2001-0001 (236)	6426

40987	7590	09/21/2004

AKERMAN SENTERFITT
P. O. BOX 3188
WEST PALM BEACH, FL 33402-3188

EXAMINER
BADERMAN, SCOTT T

ART UNIT	PAPER NUMBER
2113	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/052,454	DA PALMA ET AL.
	Examiner	Art Unit
	Scott T Baderman	2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 January 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>17 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 4 and 5 are objected to because of the following informalities: In lines 2 and 1,

respectively, "time-out sensitive task" should be "time-out susceptible task". Appropriate

correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

3.   Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by McDermott

(6,584,587).

As in claims 1 and 14, McDermott discloses a method of managing at least one client

computer program (i.e., within processing system including the watchdog module) in a managed

application environment comprising: receiving a request from at least one of a plurality of client

computer programs (watchdog module) to begin a timer corresponding to an identified task

executing within a particular thread of execution of said client computer program, wherein said

identified task has been identified as a time-out susceptible task (i.e., by setting timer implies that

it is susceptible) (column 4: lines 22-38); starting a timer (for a respective time-out value) in

another separate thread (i.e., the watchdog module is interpreted as executing on a different

thread than the task module) of execution which corresponds to said request and said time-out

susceptible task (Figures 2 and 3, column 4: lines 39-62, column 5: lines 3-19); timing said time-

out susceptible task (Figures 2 and 3, column 4: lines 39-62, column 5: lines 3-19); and if said

timer expires, performing a recovery action (reset) corresponding to said time-out susceptible

task (column 5: lines 3-19, column 5: line 66 – column 6: line 22).

As in claims 2 and 15, McDermott discloses a method wherein said timer executes within

a process separate from said time-out susceptible task (i.e., the watchdog module and the timer

chip are interpreted as a separate process of the task module) (column 4: line 22 – column 5: line

19).

As in claims 3, 5, 16 and 18, McDermott discloses a method wherein said recovery action

comprises destroying said particular thread of execution (i.e., by performing a hardware reset,

the thread is destroyed) (column 5: lines 3-19).

As in claims 4, 6, 17 and 19, McDermott discloses a method wherein said recovery action comprises restarting said time-out susceptible task (column 5: lines 3-19).

As in claims 7 and 20, McDermott discloses a method wherein said recovery action comprises forcing said client computer program to discontinue execution (i.e., by performing hardware reset, execution is discontinued) (column 5: lines 3-19).

As in claims 8 and 21, McDermott discloses a method that further comprising: receiving a request from said client computer program to stop said timer (i.e., "push back" timer chip) (column 4: lines 23-38).

As in claims 9 and 22, McDermott discloses a method of managing at least one client computer program in a managed application environment comprising: identifying a process of a client computer program, wherein said process includes at least one time-out susceptible task executing in a particular thread of execution (column 4: lines 22-38); defining named timers (time-out values) corresponding to said time-out susceptible tasks (i.e., since each task has a predetermined timeout value, the timer chip could be interpreted as performing the same function as multiple timers) (Figures 2-3, column 4: lines 23-62); receiving a request to enable one of said timers from said client computer program, wherein said request specifies a particular one of said timers corresponding to one of said time-out susceptible tasks which said client computer

program has started to execute (Figure 3, column 4: lines 23-62); enabling said particular one of

said timers (Figure 3, column 4: lines 23-62); creating a hash table entry (task table) for said

particular one of said timers (Figure 3, column 4: lines 23-62); timing said time-out susceptible

task, wherein said timer executes within a separate thread of execution (Figures 2 and 3, column

4: lines 39-62, column 5: lines 3-19); and if said enabled timer expires, destroying said process in

said client computer program (column 5: lines 3-19).

As in claims 10 and 23, McDermott discloses a method wherein said timer executes in a

process separate from said identified process (column 4: line 22 – column 5: line 19).

As in claims 11 and 24, McDermott discloses a method further comprising: restarting

said process in said client computer program (column 5: lines 3-19).

As in claims 12 and 25, McDermott discloses a method further comprising: receiving a

request to stop said particular one of said timers from said client computer program (column 4:

lines 23-38).

As in claim 13, the Applicant is directed to claim 9 above.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

See form PTO-892.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Scott T Baderman whose telephone number is (703) 305-4644.

The examiner can normally be reached on Monday-Friday, 6:45 AM-4:15 PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott T Baderman
Primary Examiner
Art Unit 2113

STB